

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

CAROL CHESEMORE, DANIEL
DONKLE, THOMAS GIECK, MARTIN
ROBBINS, and NANNETTE STOFLET, on
behalf of themselves, Individually, and on
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ALLIANCE HOLDINGS, INC., DAVID B.
FENKELL, KAREN FENKELL, A.H.I
INC., AH TRANSITION CORP., PAMELA
KLUTE, JAMES MASTRANGELO,
STEPHEN W. PAGELOW, and JEFFREY
A. SEEFELDT, ALPHA INVESTMENT
CONSULTING GROUP, LLC and JOHN
MICHAEL MAIER,

Defendants,

and

TRACHTE BUILDING SYSTEMS, INC.
EMPLOYEE STOCK OWNERSHIP PLAN
and ALLIANCE HOLDINGS, INC.
EMPLOYEE STOCK OWNERSHIP PLAN
AND TRUST,

Nominal Defendants.

Case No. 09-CV-000413

NOTICE OF CROSS-APPEAL

Plaintiffs, Carol Chesemore, Daniel Donkle, Thomas Gieck, Martin Robbins and
Nannette Stoflet, individually and as the Court-appointed Class Representatives of the certified
Class and Subclass, in the above-captioned matter, hereby appeal to the United States Court of
Appeals for the Seventh Circuit from the Judgment entered in this action on September 8, 2014

against Defendant David B. Fenkell, including the following Orders to the extent that the Orders concern claims or relief against David B. Fenkell:

(1) Order and Opinion (ECF No. 172) dated February 17, 2011 granting in part the Motion to Dismiss Plaintiffs' Amended Class Action Complaint;

(2) Order and Opinion (ECF No. 677) dated March 28, 2012 granting in part David B. Fenkell's Motion for Summary Judgment;

(3) Order and Opinion (ECF No. 735) dated July 24, 2012 with respect to David B. Fenkell's liability on certain claims;

(4) Order and Opinion (ECF No. 790) dated June 4, 2013 with respect to the remedies as to David B. Fenkell;

(5) Order and Opinion (ECF No. 985) entered September 5, 2014 with respect to the amount of judgment and/or attorneys' fees and costs awarded against David B. Fenkell.

Plaintiffs do not appeal any claims resolved by the settlements approved by the District Court, the Court's approval of those settlements, the award of incentive awards to the Class Representatives or the award of attorneys' fees to Class Counsel out of the common fund (except as it relates to the amount of attorneys' fees and costs awarded against David B. Fenkell).

Dated: October 8, 2014

Respectfully submitted,

/s/ R. Joseph Barton

R. Joseph Barton (Lead Counsel of Record)

COHEN MILSTEIN SELLERS

& TOLL PLLC

1100 New York Avenue, N.W.

West Tower, Suite 500

Washington, D.C. 20005

Telephone: (202) 408-4600

Facsimile: (202) 408-4699

Email: jbarton@cohenmilstein.com

Andrew W. Erlandson

HURLEY, BURISH & STANTON, S.C.

33 East Main Street, Suite 400

Madison, WI 53703

(608) 257-0945 Telephone

(608) 257-5764 Facsimile

Email: aerlandson@hbslawfirm.com

Attorneys for Plaintiffs & the Class